

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DARLIN YUNIOR PENA ORTIZ,

Plaintiff,

-against-

COMPLAINT

UNITED STATES OF AMERICA, CBP OFFICERS
JOHN DOES 1-5

Defendants.
-----X

Plaintiff Darlin Yunion Pena Ortiz a resident of the State of New York, County of Kings, Brooklyn by and through his attorney, Vik Pawar Esq., respectfully alleges as follows:

NATURE OF THE ACTION

1. This is a civil action commenced by plaintiff that seeks recovery of his vehicle a 2020 Mercedes-Benz GLC300 (“**VEHICLE**”) under the procedural and due process rights guaranteed under the 5th and 14th amendments of the US Constitution and under 42 USC 1983 and 1988.

JURISDICTION AND VENUE

2. Jurisdiction of the court is invoked pursuant to 28 U.S.C. §1331 in that this civil action involves a federal question.

3. Venue is proper in the Eastern District of New York, pursuant to 28 U.S.C. §1391(a) because plaintiff resides in this District.

THE PARTIES

4. Plaintiff is a resident of the State of New York, County of Kings and Brooklyn.

5. The individual defendants arrested plaintiff based on false evidence and without probable cause and seized his vehicle

FACTS AND CAUSE OF ACTION

6. On or about March 8, 2024, plaintiff was asked by his friend to pick up the friend's relatives in upstate New York.

7. While plaintiff was transporting the relatives to New York City, he was pulled over by individual defendants who work for Customs and Border Patrol.

8. The defendants had no probable cause to arrest, detain plaintiff and the other passengers.

9. The defendants booked plaintiff and the passengers on unknown charges.

10. After approximately 12 hours in custody, the defendants permitted plaintiff and his passengers to leave.

11. Neither plaintiff nor his passengers were charged with any crimes or accused of engaging in any unlawful activity.

12. However, the defendants failed to release plaintiff's **VEHICLE**.

13. Plaintiff simply requests the return of the **VEHICLE** and seeks attorney fees for bringing this action.

WHEREFORE, Plaintiff seeks

1. declaratory judgment that the **VEHICLE** belongs to him;
2. costs and attorney fees; and
3. all such relief that the Court may deem just and proper.

Dated: May 6, 2024
New York, New York



Vik Pawar